## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CASEY DOOLEY, : No. 3:18cv1310

Plaintiff

(Judge Munley)

v. : (Magistrate Judge Saporito)

:

JOHN E. WETZEL, Secretary of

The Pa. D.O.C., et al.,

Defendants

## <u>ORDER</u>

**AND NOW**, to wit, this 5th day of March 2019, it is hereby **ORDERED** as follows:

- 1) Plaintiff's objections (Doc. 16) and defendants' objections (Doc. 15) are **OVERRULED**;
- 2) The magistrate judge's report and recommendation (Doc. 10) is ADOPTED;
- 3) The plaintiff's complaint is **DISMISSED** as frivolous;
- 4) The defendants' motion to dismiss/motion for summary judgment (Doc.5) is **DENIED**:
- 5) Plaintiff is notified that the dismissal of this action as frivolous and for failure to state a claim constitutes a "strike" under 28 U.S.C. § 1915(g), and the accumulation of additional strikes may bar him from proceeding *in forma* pauperis in later cases absent a showing of imminent danger; and
- 6) The Clerk of Court is directed to close this case.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court